

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4894 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

ARUNKUMAR BABULAL GADHIYA

Versus

GUJARAT ELECTRICITY BOARD

Appearance:

MR AV PRAJAPATI for Petitioner
MR BHARAT T RAO for Respondents

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 26/07/1999

ORAL JUDGEMENT

Undisputedly the petitioner has purchased the factory premises in a public auction held by Gujarat State Financial Corporation. Therefore, the respondents are not entitled to recover the dues of the previous owner of the factory from the petitioner as per the judgment reported in 1995 (2) GLH 134 in the case of M/s. Isha Marbles v.Bihar State Electricity Board and others.

The respondents, therefore, are directed not to insist upon the petitioner to pay the dues of the previous owner of the factory and the respondents are further directed to give re-connection of electric supply forthwith to the petitioner, if he is otherwise so entitled and meets with the requirements of the Board for such power supply including payment of necessary charges for reconnection. It will however, be open for the respondent - G.E.B. to examine and re-open, in case there is any relation between the petitioner and previous owner.

In view of the aforesaid directions, the present Special Civil Application stands disposed of. Rule is also made absolute to the above extent. No order as to costs. Direct service is permitted.